

**REMARKS**

Claims 2 and 3 have been objected to for the terms “a%” and “b%.” Claims 2 and 3 have been amended. The Examiner is also respectfully directed to page 2, paragraph 8 of the “Marked-Up For Substitute Specification” as disclosing these claimed features.

Claims 1 and 4-9 have been rejected under 35 USC 102(b) as anticipated by Yamada (“Software Reliability Growth Modeling: Models and Applications”). The rejection is respectfully traversed.

Yamada generally discloses software reliability growth models (SRGMs), where the SRGM's are classified in terms of the software reliability growth index of the error detection rate per error. Using actual software error data observed by software testing, application examples of the existing SRGM's are illustrated. The software models revealed in Yamada, described by stochastic processes, have well known properties that are used for modeling software error data. These properties are, for example, shown in equations 3-7 on page 1432. Using these properties, the software reliability can be calculated and compared with experimental results. Yamada fails, however, to disclose performing several simulation runs of a stochastic process.

The claimed invention discloses a system and method to predict measurement data using given measurement data, in which a stochastic process is matched to the given measurement data. Simulation runs are carried out from a given time-point until a final time-point. The forecast measurement data is determined for each simulation run. Measurement data for the final time-point is predicted within a range of values, which is determined by the forecast measurement data. Specifically, claims 1, 6, 8 and 9 require a number of simulation runs in order to predict measurement data by the use of a range of values determined by the forecast measurement data.

That is, the claimed invention requires an actual simulation of the stochastic process in order to achieve a good prediction of measurement data, whereas Yamada does not disclose any simulation runs of a stochastic process.

Since the recited structure and method are not disclosed by the applied reference, claims 1, 6, 8 and 9 are patentable. Claims 2-5, depending either directly or indirectly from claim 1, are similarly patentable. Claim 7, depending from claim 6, is also similarly patentable.

Claims 2 and 3 have been rejected under 35 USC 103(a) as unpatentable over Yamada in view of Waclawski (U.S. 2001/0013008). The rejection is respectfully traversed for the same reasons presented in the arguments above, and for the following.

Waclawski discloses a method for extracting and forecasting computing resource data. There is no disclosure based on a simulation run of stochastic processes.

Hence, claims 2 and 3 are patentable independently of claim 1.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned **“Version with markings to show changes made.”**

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 449122019300.

Dated: May 28, 2003

Respectfully submitted,

By 

Kevin R. Spivak

Registration No.: 43,148

MORRISON & FOERSTER LLP

1650 Tysons Blvd, Suite 300

McLean, Virginia 22102

Phone (703) 760-7700

Facsimile (703) 760-7777

Attorneys for Applicant

**Version With Markings to Show Changes Made**

**In the Claims**

Please amend the claims as follows.

2. (Amended) The method as claimed in claim 1, further comprising the steps of:  
determining a confidence range for said prediction of measurement data; and  
eliminating a% lowest percentage and b% a highest percentage forecast measurement data.
3. (Amended) The method as claimed in claim 2, wherein ~~a% and b%~~ the lowest and highest percentages are equal values.